

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
September 6, 2005**

Place: Room 206
Town Hall

TIME: 8:00 PM

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:
Damanti, Bigelow, Forman, Spain

STAFF ATTENDING: Ginsberg, Keating

GENERAL MEETING

Amendment of Business Site Plan #68-E, Walgreen's, 138 Heights Road, DC Zone.

Request to keep the existing trailer on site until January 2006.

Planning and Zoning Commission members reviewed the August 3, 2005 letter from David T. Kingston, the Store Manager from Walgreen's at 138 Heights Road. In that letter, he had requested to keep an existing storage trailer on-site until January 2006. Mr. Bigelow wondered if it could be moved to the back row of the parking lot to be less conspicuous. Commission members believed that it may be difficult to access in that location. They all agreed that if a less conspicuous location is possible, then Mr. Ginsberg should work with Mr. Kingston on arranging to have the trailer moved to such a location on the property. However, this is not a requirement. Commission members also unanimously agreed that the trailer may stay on-site until January 2006, with "time being of the essence".

**Special Permit Application #60-F and Special Permit Application #60-H,
Country Club of Darien, 300 Mansfield Avenue**

Request for extensions of time to commence work.

Commission members reviewed the August 30, 2005 letter from Attorney William J. Hennessey, Jr. of Sandak Hennessey & Greco. In that letter, Attorney Hennessey requested one year extensions for both Special Permit Application #60-F and Special Permit Application #60-H. He said that the clean-up and remediation work was on schedule and would proceed on time. Commission members unanimously approved the one year extensions giving the Club until September 7, 2006 to implement Special Permit #60-F, to create a pool pavilion and terrace, renovate and enlarge clubhouse kitchen and perform related site development activities. A one year extension was also granted for Special Permit Application #60-H, giving the applicant until November 8, 2006 to demolish two existing maintenance sheds and construct two new maintenance buildings and perform related site development activities.

Flood Damage Prevention Application #229, Don Brooks, 56 Blueberry Lane. Proposing to install a swimming pool with associated terrace, pool fence and pool equipment, and to perform related site development activities within a regulated area. The subject property is located on the

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east side of Blueberry Lane, approximately 400 feet south of its northwestern intersection with Ox Ridge Lane, and is shown on Assessor's Map #7 as Lot #40 in the R-2 Zone.

Mr. Ginsberg explained that during the Zoning Permit process, Mr. Keating realized that the proposed swimming pool was within the Flood Zone. Mr. Keating then contacted Mr. Brooks who has worked on preparing the flood damage application. Mr. Ginsberg noted that all the neighbors within 100 feet of the property have "signed off" except for the Harringtons. Mr. Brooks had told Mr. Keating and Mr. Ginsberg that he had dropped off the Harringtons' signature which was faxed from out of state. Mr. Ginsberg and Mr. Keating told the Commission that they had temporarily misplaced a copy of that faxed signature.

Mr. Ginsberg said that the Commission may address this item administratively with the neighbor "sign-offs" or could schedule a public hearing for later this month, if all of the neighbor "sign-offs" are not found before then. Mr. Ginsberg confirmed that the submitted plans seem to be in order as are the necessary engineer certifications. Mr. Damanti and other Commission members said that it would not be proper for them to waive the requirement for a public hearing if they do not have all the neighbors' signatures in hand. They then instructed Mr. Ginsberg to contact either Mr. Brooks or the pool contractor to try to get the Harringtons' signature as soon as possible, and to keep looking for the form in the office, so that they may schedule this item for September 13th, the next available general meeting agenda. They agreed that if the Harringtons' signature could not be obtained by then, that it would be appropriate to schedule this matter for a public hearing.

Discussion, deliberation and possible decisions on the following items:

Mr. Bigelow then made a motion to waive the reading of the draft Resolutions aloud, as the Commission has had the draft Resolutions since Friday afternoon, and has had ample time to review them. Ms. Forman seconded that motion which was unanimously approved.

Coastal Site Plan Review #210, Flood Damage Prevention Application #227, Land Filling & Regrading Application #144, Scott & Kristin Fine, 163 Pear Tree Point Road. Proposing to improve an existing drainage system, add fill, and regrade the back yard, and perform related site development activities within regulated areas.

Mr. Bigelow made a motion to approve the draft Resolution as written. That motion was seconded by Ms. Forman, and approved by a vote of 3 to 0, with Mr. Spain abstaining because he was not at the continuation of the public hearing on this matter on July 26, 2005. The adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
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Application Number: Coastal Site Plan Review #210
Flood Damage Prevention Application #227
Land Filling & Regrading Application #144

Street Address: 163 Pear Tree Point Road

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Tax Assessor's Map #61 Lot #25

Name and Address of Property Owner: Scott Fine
And Applicant: 163 Pear Tree Point Road
Darien, CT 06820

Name and Address of Joseph F. Risoli, PE
And Applicant's Representative: Risoli Planning & Engineering
1166 East Putnam Avenue
Riverside, CT 06878

Activity Being Applied For: Proposing to improve an existing drainage system, add fill, and regrade the back yard, and perform related site development activities within regulated areas.

Property Location: The subject property is located on the south side of Pear Tree Point Road, approximately 575 feet west of its southernmost intersection with Long Neck Point Road.

Zone: R-1 Zone

Date of Public Hearing: July 19, 2005 continued to July 26, 2005

Time and Place: 8:00 P.M. Room 119 (7/19) and Room 206 (7/26) Town Hall

Publication of Hearing Notices

Dates: July 7 & 14, 2005

Newspaper: Darien News-Review

Date of Action: September 6, 2005

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
September 15, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 810, 820 850, and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

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1. The subject applications propose to improve an existing drainage system, add fill, and regrade the back yard, and perform related site development activities within regulated areas. The applicants proposed to fill an average of one to three feet deep and that the water will not drain towards the neighbors. They will be installing swales on both the north and south sides of the property as a precaution, and the details of the regrading are shown on the submitted plans.
2. At the public hearing on this matter, a representative of the Mayers, property owners to the south and east of the Fine property noted their concerns with the following: a) the proposed location of catch basins within the pedestrian easement area; and b) potential obstruction of the pedestrian easement with landscaping. The applicant responded to those concerns with a revised plan dated 7/26/05 which respects the pedestrian easement by removing the planting and shifting the location of the catch basins which have been moved out of the easement as well.
3. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
4. The proposed activities, to be implemented with the conditions and modifications listed below, will have no adverse impact on flooding, and therefore, this proposal is consistent with the need to minimize flood damage.
5. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
6. The potential adverse impacts of the proposed activity, as modified within this resolution, on coastal resources are acceptable.
7. The proposed activities also include filling and regrading a portion of the existing property and managing storm water runoff so that it does not negatively impact the nearby properties or Pear Tree Point Road.
8. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
9. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #210, Flood Damage Prevention Application #227, and Land Filling and Regrading Application #144, are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Site development activities and drainage installation shall be in accordance with the following plans submitted to and reviewed by the Commission:
 - Fine Residence, Site Plan, by Perry Guillot, Inc., Landscape Architecture, scale 1"=20', dated July 2005.

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- Proposed Field Drainage System, prepared for Scott Fine, 163 Pear Tree Point Rd, by Joseph F. Risoli, PE, scale 1"=20', dated September 17, 2003 and last revised 07/26/05, Sheet 1 of 3.
 - Proposed Field Drainage System - Profiles, prepared for Scott Fine, 163 Pear Tree Point Rd, by Joseph F. Risoli, PE, scale as shown, dated September 12, 2003, Sheet 2 of 3.
 - Proposed Field Drainage System - Details, prepared for Scott Fine, 163 Pear Tree Point Rd, by Joseph F. Risoli, PE, dated September 12, 2003, Sheet 3 of 3.
- B. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- C. The applicant shall ensure that the hedge does not grow into the pedestrian easement area. Enforcement of the pedestrian easement is the responsibility of the property owners and not the Planning and Zoning Commission or the Planning and Zoning Department.
- D. The maintenance of the one-way check valve to be installed shall be done by the applicant/property owner. The check valve is needed to allow water to exit the property, but prohibit water from Long Island Sound to back into the drain lines during high tide. The property owner shall also clean out the proposed catch basins on an as-needed basis.
- E. Once the site work (drainage, filling and landscaping) are completed, a final "as-built" drawing along with written verification prepared by the project engineer is hereby required, to certify that the site improvements adjacent to the coastal recourses are all in compliance with the approved plans.
- F. The provision of a Performance Bond, per Section 857 of the Darien Zoning Regulations, is hereby waived.
- G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- H. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agencies. This includes, but is not limited to, approval from the Darien Health Department for possible impacts of the filling and regrading on the septic system.
- I. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan

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within one (1) year of this action (September 5, 2006). This may be extended as per Sections 858 and 1009.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action, or this approval shall become null and void.

Mr. Damanti then read the next agenda item:

Special Permit Application #11-N, Ox Ridge Hunt Club, 512 Middlesex Road. Proposing to amend the existing Special Permit to allow approval of an annual calendar of events for the period of October 2005 through September 2006.

Mr. Bigelow made a motion to approve the draft Resolution as written. That motion was seconded by Ms. Forman and unanimously approved by a vote of 4 to 0. The adopted Resolution read as follows:

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ADOPTED RESOLUTION
September 6, 2005**

Application Number: Special Permit #11-N

Assessor's Map #6 Lot #149

Name and Address of Applicant and Applicant's Representative:	D. Bruce Hill Gleason, Hill & Ambrette, LLC 23 Old Kings Highway South Darien, CT 06820
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Name and Address of Property Owner:	Ox Ridge Hunt Club, Inc. 512 Middlesex Road Darien, CT 06820
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Activity Being Applied For: Proposing to amend the existing Special Permit to allow approval of an annual calendar of events for the period of October 2005 through September 2006.

Property Location: Subject property is located on the south and east sides of Middlesex Road, directly across from its intersection with Ox Ridge Lane

Zone: R-2

Date of Public Hearing: July 19, 2005

Time and Place: 8:00 P.M. Room 119 Town Hall

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Publication of Hearing Notices

Dates: July 7 & 14, 2005

Newspaper: Darien News-Review

Date of Action: September 6, 2005

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
September 15, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The Ox Ridge Hunt Club is a Special Permit Use under Section 404d. of the Darien Zoning Regulations. The subject application is to amend the existing Special Permit to allow approval of an annual calendar of events for the period of October 2005 through September 2006.
2. There are no plans to increase the membership as part of this application.
3. The nature of the proposed use is such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
4. The location and size of the use conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.

NOW THEREFORE BE IT RESOLVED that Special Permit #11-N is hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. The Commission hereby approves the Calendar of Activities as specifically described in the applicant's materials dated June 24, 2005. This includes the "Current Calendar of Events" and the "Proposed Additional Calendar of Events". Any future additions to the Calendar of Events will need prior review and approval by the Planning and Zoning Commission. The Club proposes to have several shows and events each year which are not locked into exact calendar dates. The Club will continue to use the Clubhouse for private events such as weddings.
- B. The Club shall maintain control of parking, noise, lights etc. that could impact neighbors on the surrounding properties. No unauthorized parking shall be allowed on Saddle Ridge Road.

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- C. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right to modify, suspend, or revoke the permit as it deems appropriate.
- D. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. In particular, approvals will be needed from the Darien Health Department for food/beverage services and sanitary facilities; as well as the Building Official and Fire Marshal for the electrical services, temporary tents and other activities and structures.

All provisions and details of the request shall be binding conditions of this action. A Special Permit form shall be filed in the Darien Land Records by November 5, 2005 to finalize this approval.

Mr. Damanti read the next agenda item:

Coastal Site Plan Review #130-B, Flood Damage Prevention Application #129-B, O&J Investments, LLC, 40 Old Farm Road. Proposing construction of a residence (modified from previous approval) and perform related site development activities within regulated areas.

Mr. Ginsberg noted that the draft Resolution is very similar to prior Resolutions on this matter, and in fact, this Resolution notes that the conservation easement required is still a critical part of the application. Ms. Forman then made a motion to adopt the Resolution as written. That motion was seconded by Mr. Spain and unanimously approved by a vote of 4 to 0. The adopted resolution read as follows:

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Application Number: Coastal Site Plan Review #130-B
Flood Damage Prevention Application #129-B

Street Address: 40 Old Farm Road
Tax Assessor's Map #66, Lot #83

Name and Address of Applicant: Wilder G. Gleason, Esq.
And Applicant's Representative: 23 Old King's Highway South
PO Box 1636
Darien, CT 06820

Name and Address of Property Owner: O&J Investments, LLC
17 Tokeneke Trail
Darien, CT 06820

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Activity Being Applied For: Proposing construction of a residence (modified from previous approval) and perform related site development activities within regulated areas.

Property Location: Subject property is located on the south side of Old Farm Road, approximately 100 feet west from its intersection with Pondfield Lane.

Zone: R-1 Zone

Date of Public Hearing: July 19, 2005

Time and Place: 8:00 P.M. Room 119 Town Hall

Publication of Hearing Notices

Dates: July 7 & 14, 2005

Newspaper: Darien News-Review

Date of Action: September 6, 2005

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:

September 15, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 810 and 820 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject application is to construct a residence (modified from previous approval) and perform related site development activities within regulated areas. The plans also include a swimming pool and terrace to the west of the proposed residence. The proposed single-family residence is to be served by public water supply and a septic system. The building footprint and design will be changed from that previously approved—reducing the floor area from 6,600 square feet to approximately 5,900 square feet. The Commission acknowledges that the existing framing and possibly even the foundation of the existing house under construction will likely need to be removed and replaced.
2. The applicant specifically referred to prior approvals for this property, and during the public hearing, the applicant submitted a copy of the May 2001 Adopted Resolution regarding this

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property. The Commission hereby finds that the prior Planning and Zoning Commission approvals for this property have expired, and are null and void.

3. The May 1, 2001 approval submitted for the record, specifically notes that, "A ZBA variance (Calendar #71-1984) was granted in 1984 regarding this property. That variance allowed the right-of-way to serve as access, and determined that all of the lot lines are rear lot lines. The Environmental Protection Commission approved activity within 50 feet of wetlands (EPC #24-98) in a permit dated May 6, 1998, followed by a letter dated May 13, 1998. The Planning and Zoning Commission approved a single-family residence for this property in September, 1998. In April, 1999, a change in the design of the house was approved. This proposal includes changes to the proposed residence and driveway, but no changes to the pool."
4. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
5. The proposed activity will have no adverse impacts on flooding and, therefore, this proposal is consistent with the need to minimize flood damage.
6. The potential adverse impacts of the proposed activity, as modified within this resolution, on coastal resources are acceptable.
7. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
8. The proposed activity, as modified within this resolution, is consistent with the goals and policies in Section 22a-92 (the Connecticut Coastal Area Management Act) of the Connecticut General Statutes. The conditions as outlined herein include all reasonable measures which would mitigate any adverse impacts by the proposed activity on coastal resources.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #130-B and Flood Damage Prevention Application #129-B are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction shall be in accordance with the plans submitted to and reviewed by the Commission:
 - New Residence, 40 Old Farm Road, by Roger Bartels Architects, last revised 5/20/05, Sheets Number A.1.
 - New Residence, 40 Old Farm Road, by Roger Bartels Architects, all last revised 5/20/05, Sheets Number A.2 through A.5 and A.8 through A.11.
 - "Revised Planting Plan, by Terra Visions, Inc., scale 1"=20', dated 4-2-99, Sheet 1 of 1.
 - Site Plan, Old Farm Road, by Rocco V. D'Andrea, Inc., last revised 6-25-01 (solely relative to filling, regrading, and other site work, but not for the proposed residence)
- B. In the Planning and Zoning Commission's 1999 and May 1, 2001 approvals, the following condition was imposed: *"In order to minimize the impacts to the neighboring property owners,*

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to coastal resources, and to soften the look of the stone retaining wall, all of the landscaping shall be planted on the west side of the wall before a Certificate of Occupancy is issued for the residence. This landscaping shall be fully in accordance with the planting plan approved by the Commission in September 1998. A final landscaping plan, reflecting a change in the design of the proposed residence, shall be submitted for this file."

That condition is hereby incorporated as part of this approval, and the applicant has submitted a landscaping plan for the record as noted in Condition A, above, which satisfies this condition.

- C. The western portion of the site is subject to a conservation easement that requires that the area remain as a natural and undeveloped buffer between the house / terrace site and the watercourse. The permanent protection of this area was a critical aspect of the original plan to develop the property and remains an important factor in this permit.
- D. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- E. A certification shall be provided from a registered Professional Architect or Professional Engineer that the construction and floodproofing has been completed in conformance with this permit and the Zoning Regulations. This certification shall be provided to the Planning and Zoning Department prior to the issuance of a Certificate of Occupancy, per Section 829e of the Darien Zoning Regulations.
- F. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. This would include, but not be limited to, receiving final approval from the Darien Health Department before a Zoning or Building Permit can be issued.
- G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- H. This permit shall be subject to the provisions of Sections 815 and 829f of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (September 5, 2006). This may be extended as per Sections 815 and 829f.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman.

Mr. Damanti read the next agenda item:

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Coastal Site Plan Review #212, Chris & Elise Martin, 33 Beverly Place. Proposing to excavate and grade along the northern portion of the property, construct additions to the house, and to perform related site development activities.

Mr. Bigelow made a motion to adopt the Resolution as written. Ms. Forman seconded that motion which was unanimously approved by the Commission by a vote of 4 to 0. The adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
September 6, 2005**

Application Number: Coastal Site Plan Review #212

Street Address: 33 Beverly Place
Assessor's Map #62 Lot #82

Name and Address of Applicant & Property Owner: Chris & Elise Martin
33 Beverly Place
Darien, CT 06820

Name and Address of Applicant's Representative: McKee Patterson
Austin Patterson Disston Architects, LLC
376 Pequot Avenue
Southport, CT 06890

Activity Being Applied For: Proposing to excavate and grade along the northern portion of the property, construct additions to the house, and to perform related site development activities within a regulated area.

Property Location: The subject property is located on the south side of Beverly Place, approximately 1,350 feet south and east of its intersection with Goodwives River Road.

Zone: R-1

Date of Public Hearing: July 19, 2005

Time and Place: 8:00 P.M. Room 119 Town Hall

Publication of Hearing Notices

Dates: July 7 & 14, 2005

Newspaper: Darien News-Review

Date of Action: September 6, 2005

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
September 15, 2005

Newspaper: Darien News-Review

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The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400 and 810 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The proposal is to excavate and grade along the northern portion of the property, construct additions to the house, and to perform related site development activities. The existing residence is served by an on-site septic system which will not be affected by the proposed work.
2. There are two areas of additions to the existing residence: 1) a 84 square feet of infill area between two wings of the residence at elevation 12.4.; and 2) a 221 square feet screen porch with a bedroom above on an existing elevated terrace at elevation 20.0. The edge of the 221 square foot addition is shown on the survey as being 38.7+/- feet from the rear property line. The rear yard setback in the R-1 Zone is 40 feet.
3. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
4. The potential adverse impacts of the proposed activity, as modified within this resolution, on coastal resources are acceptable.
5. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
6. The proposed activity, as modified within this resolution, is consistent with the goals and policies in Section 22a-92 (the Connecticut Coastal Area Management Act) of the Connecticut General Statutes. The conditions as outlined herein include all reasonable measures, which would mitigate any adverse impacts by the proposed activity on coastal resources.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #212 is hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

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- A. The proposed activities shall be in accordance with the following plans submitted to and reviewed by the Commission as required to be modified herein:
- Mitigation Plan Martin Residence, by Austin Patterson Disston Architects, LLC, scale 1"=10', dated June 22, 2005.
 - Site Plan Martin Residence, by Austin Patterson Disston Architects, LLC, dated 6-14-05, Drawing No. S-1
 - Property Survey prepared for Christopher G. Martin and Elise S. Martin, 33 Beverly Place by Robert L. Hock, scale 1"=20', dated May 20, 2005 and last revised June 20, 2005 to show proposed additions.
- B. Plans shall be modified/revised/clarified so that the addition to the existing residence is 40 or more feet away from the rear property line (elevation 4.3+/- along Scott's Cove). This would result in the addition fully complying with the 40 foot rear yard setback for the R-1 Zone. Revised plans shall be submitted reflecting this change.
- C. The applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the relocation of the water line and until the area has been revegetated and restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- D. Once the additions and site work are completed, and prior to the use of the additions or issuance of a Certificate of Occupancy, a final "as-built" drawing along with written verification prepared by the project architect is hereby required, to certify that the site improvements adjacent to the coastal recourses are all in compliance with the approved plans.
- E. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- F. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. This includes, but is not limited to, approval from the Darien Health Department.
- G. This permit shall be subject to the provisions of Section 815 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (September 5, 2006). This may be extended as per Section 815.

All provisions and details of the plan, as required to be revised per Condition B above, shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. The revised plans shall be submitted within 60 days (by November 6, 2005) or this approval shall become null and void.

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Mr. Damanti read the next agenda item:

Business Site Plan #80-B/Special Permit, Darien Golf Center, 233 Boston Post Road.
Proposing to construct an addition to the existing building to house indoor driving range bays and a small putting green, construct additional parking, and perform related site development activities.

Ms. Forman made a motion to adopt the Resolution as written. Mr. Spain seconded that motion, which was approved by a vote of 4 to 0. The adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
September 6, 2005**

Application Number: Business Site Plan #80-B/Special Permit
Darien Golf Center

Street Address: 233 Boston Post Road
Assessor's Map #13 Lot #4

Name and Address of Property Owner	Number 233 HJH Darien Realty, LLC 233 Boston Post Road Darien, CT 06820
---------------------------------------	---

Name and Address of Applicant And Applicant's Representative:	Neil Hauck, AIA Neil Hauck Architects, LLC 859 Boston Post Road Darien, CT 06820
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Activity Being Applied For: Proposing to construct an addition to the existing building to house indoor driving range bays and a small putting green, construct additional parking, and perform related site development activities.

Property Location: The subject property is located on the north side of Boston Post Road, approximately 320 feet southwest of its intersection with Richmond Drive.

Zone: SB-E

Date of Public Hearing: July 19, 2005

Time and Place: 8:00 P.M. Room 119 Town Hall

Publication of Hearing Notices
Dates: July 7 & 14, 2005

Newspaper: Darien News-Review

Date of Action: September 6, 2005

Action: APPROVED WITH CONDITIONS

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Scheduled Date of Publication of
Action: September 15, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 670, 900, 1000 and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject application is: to construct an addition to the existing building to house indoor driving range bays and a small putting green, to construct additional parking, and perform related site development activities. The building will be sound proofed to avoid any impact of noise on the adjacent residential properties. The existing Darien Golf Center is a Special Permit use under Section 674d (Indoor Recreation Facilities) within the Service Business East Zone (SB-E).
2. There are now 15 parking spaces and one handicap parking space on the property. The applicant proposes to add three more spaces to accommodate the three driving bays and putting area. An indoor driving range/putting area is not listed specifically in Section 904. Therefore, the Commission specifically finds that under Section 904t of the Darien Zoning Regulations, the proposed 1,594 square foot addition consisting of three driving bays and a putting area will only require three parking spaces. The existing building is 2,462 square feet.
3. The applicant specifically states in the application that the existing outdoor sand traps and outdoor driving range bays will be removed. There is no proposed outdoor activity requested, and none approved. Any such future request will require prior review and approval by the Planning and Zoning Commission.
4. As noted in the submitted application materials, the proposed hours of operation are: Monday through Saturday 9am to 5:30pm and Sunday 9:30am – 3:30pm.
5. The building façade requires approval by the Architectural Review Board.
6. The Commission acknowledges that the property is entirely within a SB-E zone, which is a commercial zone. But the Commission notes that two properties behind the subject property

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are residentially-zoned properties. The Commission and applicant must be sensitive to any potential impacts to those properties, and adjacent properties in general.

NOW THEREFORE BE IT RESOLVED that Business Site Plan #80-B/Special Permit is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction plans and site plans shall be modified as required herein, and the site work shall be in conformance with revised versions of the following submitted plans:
- Alterations to the Darien Golf Center, Site Plan, by Neil Hauck Architects, date 2/23/05 and last revised 6/24/05, Sheet SP-1.
 - Alterations to the Darien Golf Center, Site Plan, by Neil Hauck Architects, date 2/23/05 and last revised 6/24/05, Sheet A-1.

The submitted plans only show additions and alterations to the first floor of the building. There are no plans as part of this application to modify the second floor or any basement space.

- B. This approval is granted for the specific use as described in the application and approved herein. This will result in a building that is larger than otherwise would be permitted if it were all used for retail sales or other space. No change of use is permitted unless and until approval from the Planning & Zoning Commission is obtained, but all parties should be aware that converting to a different use might necessitate removing some or all of the specially designed addition being approved herein.
- C. No delivery vehicles shall park on the Boston Post Road for loading or unloading. It is the responsibility of the property owner to inform delivery personnel that adequate delivery areas are provided in the rear of the building (the north side of the building), to assure that only those designated areas are utilized for deliveries.
- D. All site improvements including fencing, screening, and construction and landscaping shown on the approved plans shall be completed prior to the use or occupancy of any portion of the proposed addition.
- E. All trees and plantings in the rear buffer area adjacent to the residential properties to the north shall continue to be maintained by the property owner. Replacement trees shall be planted by the property owner if, at any time in the future, the need arises.
- F. No lighting plan was submitted as part of this application. Prior to any lights being installed either on the rear of the proposed building or within the parking lot, the applicant shall submit a Plan for review and action by the Planning and Zoning Director. No area for proposed Dumpsters or trash receptacles is shown on the submitted Site Plan. Any placement of such shall require prior review and approval by the Planning and Zoning Director. All Dumpsters must be properly screened with a stockade fence at least four feet high.
- G. As noted in the submitted application materials, the proposed maximum hours of operation are: Monday through Saturday 9am to 5:30pm and Sunday 9:30am – 3:30pm. If the applicant wishes to expand these operating hours in the future, prior review and approval by the Planning and Zoning Commission is required. The Commission will consider the business' location immediately adjacent to residential properties when weighing possible extended hours.

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- H. An “as-built survey” prepared by a licensed Land Surveyor shall be submitted to the Planning and Zoning Office before a Certificate of Occupancy for the addition to the building is issued. This survey shall show the building additions as well as changes to the property, including but not limited to: lighting, lined parking spaces, loading areas and trash containers/Dumpsters.
- I. Any signs to be placed on the property shall be reviewed and approved in advance by the Architectural Review Board.
- J. The approval of this Business Site Plan / Special Permit does not relieve the applicant of responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. This includes receiving approval for the building façade from the Architectural Review Board prior to receiving a Zoning Permit for construction.
- K. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- L. This permit shall be subject to the provisions of Sections 1009 and 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (September 5, 2006). This may be extended as per Sections 1009 and 1028.

All provisions and details of the plans, as required to be amended herein, shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. Final revised plans and all other required documentation shall be submitted to the Planning and Zoning Department, and a Special Permit form filed in the Darien Land Records within 60 days of this action or this approval shall become null and void.

Mr. Damanti read the next agenda item:

Business Site Plan #240, Dean & Paula Glenges (contract purchasers) for property now owned by Peter Pine, 95 Noroton Avenue. Proposing to establish a florist in the lower level of the existing building and continue utilizing the upper level as a private residence and perform related site development activities.

Mr. Bigelow noted that the property owner at the time of the application was Peter Pine, who has since passed away. Commission members agreed it would be appropriate to add “Property owner at time of application” to the Resolution as he may not be the current property owner. Commission members also noted that Sunday hours were specifically not requested by the applicant in the application materials. Thus they suggested to Mr. Ginsberg that in his cover letter to the applicant to be sent with the Adopted Resolution, that he relay to the applicant and the applicant’s representative that if they wish in the future, an amendment to this approval may be desired to allow the florist to be open on Sundays (for holidays such as Easter and Mother’s Day). The Commission agreed that such a request may or may not need a public hearing. Mr. Spain then made a motion to adopt the Resolution with a minor modification to page one, as well as a typographical change. That motion was seconded by Mr. Bigelow, and unanimously approved by a vote of 4 to 0.

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**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
September 6, 2005**

Application Number: Business Site Plan #240

Street Address: 95 Noroton Avenue
Assessor's Map #43 Lot #43

Name and Address of Applicant and
Applicant's Representative: Robert F. Maslan, Jr., Esq.
Maslan Brown & Associates
9 Old King's Highway South
Darien, CT 06820

Name and Address of Property Owner
at time of application: Peter Pine
95 Noroton Avenue
Darien, CT 06820

Names of Contract Purchasers: Dean & Paula Glenges

Activity Being Applied For: Proposing to establish a florist in the lower level of the existing building and continue utilizing the upper level as a private residence and perform related site development activities.

Property Location: The subject property is located on the west side of Noroton Avenue, at the southwest corner formed by the intersection of Noroton Avenue and Maple Street.

Zone: NB and R-1/5 Zones

Date of Public Hearing: July 19, 2005

Time and Place: 8:00 P.M. Room 119 Town Hall

Publication of Hearing Notices

Dates: July 7 & 14, 2005

Newspaper: Darien News-Review

Date of Action: September 6, 2005

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of
Action: September 15, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 600 and 1020 of the Darien Zoning Regulations for the Commission to approve this project.

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- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials, the Commission finds:

1. The applicant proposes to establish a florist in the space formerly occupied by a television/VCR repair facility and lamp shop. The second floor is an apartment. The subject property is located within a Neighborhood Business (NB) Zone. No significant changes are proposed for the exterior of the building. Many aspects of the property and the building are pre-existing non-conforming.
2. Section 602 of the Darien Zoning Regulations specifically allows Commercial Sales and Service uses (such as a florist). That Section reads as follows:
The following internal uses shall be permitted subject to approval in accordance with Section 1020 provided in each case that prior to the establishment of a new use, or a different type of use, or occupancy by a new tenant, the Commission shall first determine that the proposed use shall be compatible with the character of the immediate neighborhood and shall principally serve the local neighborhood, but in no case shall a use be permitted which in the sole judgment of the Commission shall be detrimental to the surrounding residential neighborhood:
 - a) *Commercial sales and services*
 - b) *Public and semi-public uses*
3. It should be noted that a florist is a Permitted Principal Use under Section 602 of the Darien Zoning Regulations. The application is a request for Business Site Plan Review only. No Special Permit is needed for this establishment, as it is a Permitted Use.
4. The application materials set forth the proposed hours of operation are 7:00 A.M. to 6:00 P.M., from Monday through Friday and 8:00 A.M. to 5:00 P.M. on Saturday. There are no proposed hours of operation on Sunday.
5. Based upon the submitted application materials and the testimony during the public hearing, the Commission hereby finds that the proposed use, as operated within the specific manner outlined herein, is compatible with the character of the immediate neighborhood and will principally serve the local neighborhood. The Commission also finds that the proposed florist, as operated with the specific conditions outlined herein, is not detrimental to the surrounding residential neighborhood.
6. The location and nature of the proposed use, the size and height of the building are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
7. The elements of the Site Plan accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.

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8. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

NOW THEREFORE BE IT RESOLVED that Business Site Plan #240 is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. The following plan was submitted to and reviewed by the Commission, and is required to modified as described herein:
- Zoning Location Survey prepared for Dean Glenges Paula Glenges, 95 Noroton Avenue
- B. Because of its highly visible location adjacent to Maple Street, any dumpster to be located on the property shall be properly screened with a stockade fence at least six (6) feet high. The specific dumpster location (which shall be on the north side of the building, near the building, and facing Noroton Avenue) and the required screening shall be shown on revised plans (again, with the gate of the Dumpster screen/fence facing Noroton Avenue).
- C. Proposed parking lot striping shall be shown on revised plans. All parking spaces shall be 9' x 20', except for any required handicap parking spaces. This will help improve safety on the site, and better direct drivers to appropriate parking locations. The applicant shall stripe the parking lot by April 15, 2006.
- D. The applicant shall work directly with the Fire Marshal to meet all applicable Fire Codes. If there are any changes required which would affect the exterior of the building, such as the installation of windows or a fire exit, those modifications shall be reviewed and acted upon by the Planning and Zoning Director. If the Director believes that the modifications would be significant, the applicant would need to return to the Planning and Zoning Commission for review and action.
- E. There shall be no material or equipment stored outside other than a delivery van, if desired.
- F. The applicant has applied for a permit based specifically upon the use of a florist business on the entire first floor. The Commission hereby approves such an establishment. If in the future, the applicant and/property owner wishes to change to another first or second floor use, review and action by the Planning & Zoning Commission will be necessary.
- G. Any requests for signage must be reviewed and acted upon by the Architectural Review Board prior to installation.
- H. The maximum hours of operation for the business shall be: 7:00 A.M. to 6:00 P.M., from Monday through Friday and 8:00 A.M. to 5:00 P.M. on Saturday. There are no proposed hours of operation on Sunday, and none are hereby approved. If the applicant wishes to operate on Sunday, or expand the hours beyond those proposed in this application, he must return to the Planning and Zoning Commission to request an amendment of this approval.

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- I. Per Section 909 of the Darien Zoning Regulations, the Commission officially waives the loading zone requirement, as it would not be applicable to the proposed first floor florist use.
- J. The business shall operate without creating unreasonable nuisance due to noise, fumes, odors and glare.
- K. This approval is specific to this business, and the business must be operated as proposed and approved herein. Any substantial change in the operation of the business, or any change in use, shall require review and approval from the Planning and Zoning Commission.
- L. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of the Town, State, or other regulating agencies.
- M. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- N. This permit shall be subject to the provisions of Section 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (September 5, 2006). This may be extended as per Section 1028.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. All revised plans shall be submitted to the Planning and Zoning Department within 60 days of this action. No Certificate of Occupancy may be issued until the required revised plans are submitted to the Planning and Zoning Department.

Mr. Damanti read the next agenda item:

Business Site Plan #172-D, Commerce Bank, 25-35 Boston Post Road. Proposing to raze the existing buildings on the property and to construct a one-story bank building with associated parking area and perform related site development activities.

Mr. Damanti explained that Commission member David Kenny had e-mailed to him and Mr. Ginsberg some specific comments on the draft Resolution. Mr. Damanti said that Mr. Kenny could not be here tonight due to some family conflicts and, in deference to Mr. Kenny, he suggested postponing discussion on the draft Resolution until Mr. Kenny was present. This would allow him to explain his comments first hand to other Commission members. Ms. Forman had a brief comment on paragraph D of the Resolution regarding the phrase “temporarily deferred.” It was then agreed by the Commission that this item will be placed on the September 13th agenda for a discussion, deliberation and possible decision.

Mr. Damanti read the next agenda item:

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Business Site Plan #207-B, Abercrombie, Burns, McKiernan & Company, 581 Boston Post Road. Proposing to modify and relocate the existing landscaped buffer, expand the existing parking lot, and to perform related site development activities.

Ms. Forman made a motion to adopt the Resolution as written. That motion was seconded by Mr. Bigelow and approved by a vote of 3 to 0 with Mr. Spain abstaining as he was not at the public hearing on this matter. The adopted resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
September 6, 2005**

Application Number: Business Site Plan #207-B
Abercrombie, Burns, McKiernan & Company

Street Address: 581 Boston Post Road
Assessor's Map #14 Lot #34

Name and Address of Applicant and
Applicant's Representative: Wilder G. Gleason, Esq.
23 Old King's Highway South
Darien, CT 06820

Name and Address of Property Owner: Terry Anne McKiernan
PO Box 1125
Darien, CT 06820

Activity Being Applied For: Proposing to modify and relocate the existing landscaped buffer, expand the existing parking lot, and to perform related site development activities.

Property Location: The subject property is located on the northwest side of Boston Post Road, approximately 325 feet east of its intersection with Brookside Road.

Zone: DB-2 and R-1/2 Zones.

Date of Public Hearing: July 26, 2005

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices
Dates: July 14 & 21, 2005

Newspaper: Darien News-Review

Date of Action: September 6, 2005

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of
Action: September 15, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

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- the proposed use and activities must comply with all provisions of Sections 620, 940, and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials, the Commission finds:

1. The proposal is to modify and relocate the existing landscaped buffer, expand the existing parking lot, and to perform related site development activities. There is no proposed increase in the size of the building or intensity of the existing use as part of this application. The applicant proposes to add three parking spaces to the existing 13 space parking lot. The property is split zoned, with DB-2 in the front of the property and the R-½ Zone in the rear of the property which includes much of the lot area.
2. The applicant received approval to establish this use within the required buffer area from the Zoning Board of Appeals on July 20, 2005 (Calendar No. 58-2005). That approval is hereby incorporated by reference.
3. As explained during the public hearing, the business has 13+/- employees present at any one time. If customers come to the site, there is not enough parking at present.
4. Pursuant to Sections 902 and 1025.3 of the Darien Zoning Regulations, the Planning and Zoning Commission finds that adequate parking spaces have been provided to prevent on-street and off-street traffic congestion.

NOW THEREFORE BE IT RESOLVED that Business Site Plan #207-B is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Enlargement of the existing parking lot and the installation of the landscaped buffer shall be in accordance with the following plans submitted to and reviewed by the Commission:
 - Proposed Parking Sketch, Project: Terry Anne McKiernan, scale 1"=30', by Edward J. Frattaroli, Inc., Fig. No. 3.
 - Planting Design – Plan #2, Landscape Buffer, 581 Post Road, by Environmental Land Solutions, LLC, scale 1"=20'+/-, dated 7/6/05.Any amendment to the Planting Design/Landscape Buffer Plan shall be reviewed and acted upon by the Zoning Board of Appeals, since that requirement was an integral part of its decision in Calendar No. 58-2005.
- B. Based upon the specific business use, the Commission hereby waives the requirement for a loading space under Section 909 of the Darien Zoning Regulations. However, the business

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operators must schedule deliveries in a manner that does not unduly obstruct or limit parking for clients of this and/or nearby businesses.

- C. Proposed Parking Sketch No. 3 shows a "Proposed Dumpster Location" between parking spaces #13 and #14. The applicant/property owner is responsible for installing a stockade fence at least four (4) feet high around said Dumpster, as specifically shown in Section 227 of the Darien Zoning Regulations. The proposed smokers' patio will be located as shown Planting Design - Plan #1.
- D. A Landscape Architect shall certify that the required Landscape Buffer has been properly installed as required herein as shown on Plan #2 (and any modifications that are approved by the Zoning Board of Appeals). That certification shall be submitted to the Planning and Zoning Department prior to any use of the new parking spaces. It is hereby noted that the Zoning Board of Appeals also required an as-built survey or professional certification letter as part of its decision in Calendar No. 58-2005. A copy of such shall also be submitted for the Planning and Zoning Commission file.
- E. The applicant shall be responsible for maintenance of the Landscape buffer area. This includes replacement of any trees or plant species that are dead or dying.
- F. As mentioned by the applicant, there is no change in lighting proposed as part of this application. Any change in the type, style or amount of light poles on the property shall require an amendment of this Business Site Plan and review by the Planning and Zoning Commission.
- G. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies.
- H. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- I. This permit shall be subject to the provisions of Section 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (September 5, 2006). This may be extended as per Section 1028.

All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman.

Mr. Damanti read the next agenda item:

Business Site Plan #241/Special Permit, David Vernal, 498 Boston Post Road. Proposing to add onto the existing building to increase the existing motor vehicle service station from two service bays to three service bays and perform related site development activities.

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Mr. Bigelow made a motion to adopt the Resolution as written. Ms. Forman seconded that motion and it was approved by a vote of 3 to 0 with Mr. Spain abstaining because he was not at the public hearing on this matter. The adopted resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
September 6, 2005**

Application Number: Business Site Plan #241/Special Permit

Street Address: 498 Boston Post Road
Assessor's Map #35 Lot #3

Name and Address of Applicant: David Vernal
And Property Owner: 26 Chasmar's Pond Road
Darien, CT 06820
Doing business as Vernal's Service Center, LLC.

Activity Being Applied For: Proposing to add onto the existing building to increase the existing motor vehicle service station from two service bays to three service bays and perform related site development activities.

Property Location: The subject property is located on the south side of Boston Post Road approximately 350 feet southwest of its intersection with Old King's Highway North.

Zone: DB-2

Date of Public Hearing: July 26, 2005

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: July 14 & 21, 2005

Newspaper: Darien News-Review

Date of Action: September 6, 2005

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
September 15, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 620, 900, 1000, 1020 and 1056 of the Darien Zoning Regulations for the Commission to approve this project.

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- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

- A. The proposal is to add onto the existing building to increase the existing motor vehicle service station from two service bays to three service bays and perform related site development activities. The addition would be approximately 18' x 26'4" which would result in more work area for vehicle service. During the public hearing, the applicant explained that with a third repair bay, vehicles will get repaired quicker and there will likely be less need for external storage of vehicles on the property. The applicant explained that in a typical day 5 to 8 cars are fixed/repared in a bay.
- B. The existing service station is open from 6:30 a.m. to 9:00 p.m. There are no proposed changes in the hours of operation or the activities approved on-site.
- C. The applicant received a variance from the Zoning Board of Appeals (ZBA) on July 20, 2005 (Calendar No. 56-2005). That approval is hereby incorporated by reference. As part of the variance, the applicant will be adding evergreen tree plantings within the 10'+ wide landscaped buffer and a grass area. There was no detailed landscaping plan but there will be evergreens/arbor vitae in the rear of the property. During the Planning and Zoning Commission public hearing, it was mentioned that there needs to be some protection or separation such as a curb or fence around the grassed areas. The ZBA specifically noted that there shall be no vehicle parking in the proposed grass areas.
- D. At its meeting of May 17, 2005, the Architectural Review Board approved the new addition. That approval is also incorporated by reference.
- E. The location and size of the use, the nature of the proposed operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application is in harmony with the orderly development of the district in which it is located.
- F. The location and nature of the proposed use, the size and height of the building are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
- G. The location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.

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- H. The elements of the Site Plan, submitted as part of the Special Permit application accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.
- I. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

NOW THEREFORE BE IT RESOLVED that Business Site Plan #241/Special Permit is hereby modified and approved subject to the foregoing and following stipulations, modifications and understandings:

1. Except as required to be modified herein, construction of the proposed addition shall be in accordance with the plans entitled:
 - Plot Plan of Property Prepared for David Vernal, #498 Post Road, scale 1"=20', by Arcamone Land Surveyors, dated June 4, 2001, last revised 6/17/05.
 - Vernal's Service Ctr LLC, 498 Post Road, by Macintyre Assoc, Architect, dated 4/6/05, Dwg 1-4.
2. The applicant shall modify the submitted Plot Plan to reflect the following:
 - Add the following note on the plan "At least twenty-one arborvitae or similar evergreen plantings, each at least 4-6 foot high, eight to ten feet on center, and sufficient smaller shrubs and ground cover shall be planted all throughout the required 10' buffer strip in the east, west, and north sides of the property. The applicant/property owner is responsible for maintaining the landscaping and replacing dead or dying landscaping as necessary"
 - Add the following note on the plan "A curb at least three inches high around the proposed grass area in the southwest corner of the property and behind the building."

A revised Plot Plan shall be submitted prior to the issuance of a Zoning or Building Permit for the proposed addition.
3. The existing station is now open a maximum of 6:30 a.m. to 9:00 p.m. There are no proposed changes in the hours of operation or the activities approved on-site. Because the service station is a Special Permit use, any future changes in the hours of operation need to be reviewed and acted upon by the Planning and Zoning Commission.
4. During construction, the applicant shall utilize the sediment and erosion controls measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
5. Once the addition and site work (including landscaping and grass area with curb) are completed, and prior to the use of the addition or issuance of a Certificate of Occupancy, a final "as-built"

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drawing along with written verification prepared by the project architect is hereby required, to certify that the site improvements are all in compliance with the approved plans.

6. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
7. The granting of this Special Permit does not relieve the applicant of responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
8. This permit shall be subject to the provisions of Sections 1009 and 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (September 5, 2006). This may be extended as per Sections 1009 and 1028.

All provisions and details of the plan, as required to be modified herein, shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. The revised plans and a Special Permit form shall be filed in the Darien Land Records within 60 days of this action, or this approval shall become null and void.

Mr. Damanti then read the next agenda item:

Coastal Site Plan Review #74-A, Hamilton & Amabel James, 50 Contentment Island Road.
Proposing to construct alterations to the second floor of the existing residence and to perform related site development activities within a regulated area.

Ms. Forman made a motion to adopt the Resolution as written. Mr. Bigelow seconded that motion which was approved by a vote of 3 to 0 with Mr. Spain abstaining as he was not at the public hearing on this matter. The adopted resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
September 6, 2005**

Application Number: Coastal Site Plan Review #74-A

Street Address: 50 Contentment Island Road
Assessor's Map #68 Lot #22

Name and Address of	Hamilton & Amabel James
Property Owner:	50 Contentment Island Road
	Darien, CT 06820

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Name and Address of Applicant & Arthur K. Engle, Esq.
Applicant's Representative: Rucci, Burnham, Carta, Carello & Reilly, LLP
30 Old King's Highway South
Darien, CT 06820

Activity Being Applied For: Proposing to construct alterations to the second floor of the existing residence and to perform related site development activities within a regulated area.

Property Location: The subject property is located on the south side of Contentment Island Road, approximately 1,500 feet south of its intersection with Shennamere Road.

Zone: R-1

Date of Public Hearing: July 26, 2005

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: July 14 & 21, 2005

Newspaper: Darien News-Review

Date of Action: September 6, 2005

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
September 15, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400 and 810 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject property is 1.54+/- acres. Currently on the property there is a single family residence with a bath house and the applicant/property owner proposes to construct additions and alterations to the second floor of the existing residence and to perform related site development activities within a regulated area. Most of the addition to the residence is within

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100 feet of Mean High Water. The costs of the improvements are less than 50% of the value of the existing structure.

2. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
3. The potential adverse impacts of the proposed activity, as modified within this resolution, on coastal resources are acceptable.
4. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
5. The proposed activity, as modified within this resolution, is consistent with the goals and policies in Section 22a-92 (the Connecticut Coastal Area Management Act) of the Connecticut General Statutes. The conditions as outlined herein include all reasonable measures, which would mitigate any adverse impacts by the proposed activity on coastal resources.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #74-A is hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. The proposed activities shall be in accordance with the plans submitted to and reviewed by the Commission, as follows:
 - Zoning Location Survey prepared for Hamilton E. James Amabel B. James, 50 Contentment Island Road, by William W. Seymour & Associates, scale 1"=20', dated June 14, 2005 with proposed construction added June 23, 2005.
 - James Residence 50 Contentment Island Road by James Architecture + Design, LLS, dated June 24, 2005, Sheets A-2.0 through A-2.3, A-3.1, A-3.2.
- B. The applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the relocation of the water line and until the area has been revegetated and restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- C. Prior to the use of the addition, or issuance of the Certificate of Occupancy, a final "as-built" drawing prepared by the project architect is hereby required, along with written verification by the architect, to certify that the site improvements adjacent to the coastal recourses are all in compliance with the approved plans.
- D. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. This includes, but is not limited to, approval from the Darien Health Department.

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- E. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- F. This permit shall be subject to the provisions of Section 815 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (September 5, 2006). This may be extended as per Section 815.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman.

Mr. Damanti read the next agenda item:

Coastal Site Plan Review #211, Flood Damage Prevention Application #228, Harlan & Susan Stone, 5 Tokeneke Trail. Proposing to raze the existing residence and construct a new four-bedroom single-family residence and to perform related site development activities within regulated areas.

Mr. Bigelow made a motion to adopt the Resolution as written. Ms. Forman seconded that motion which was approved by a vote of 3 to 0, with Mr. Spain abstaining as he was not at the public hearing on this matter on July 26th. The adopted resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
September 6, 2005**

Application Number: Coastal Site Plan Review #211
Flood Damage Prevention Application #228

Street Address: 5 Tokeneke Trail
Tax Assessor's Map #65 Lot #37

Name and Address of Property Owner: Harlan & Susan Stone
35 Plymouth Road
Darien, CT 06820

Name and Address of Applicant: Wilder G. Gleason Esq.
And Applicant's Representative: Gleason & Associates, LLC
23 Old King's Highway South
Darien, CT 06820

Activity Being Applied For: Proposing to raze the existing residence and construct a new four-bedroom single-family residence and to perform related site development activities within regulated areas.

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Property Location: The subject property is located on the east side of Tokeneke Trail approximately 475 feet south of its intersection with Old Farm Road.

Zone: R-1 Zone

Date of Public Hearing: July 26, 2005

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: June 16 & 23, 2005

Newspaper: Darien News-Review

Date of Action: September 6, 2005

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
September 15, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 810 and 820 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject applications propose to raze the existing residence and construct a new four-bedroom single-family residence and to perform related site development activities within regulated areas. The existing swimming pool and cottage will remain in their current locations during the razing and rebuilding process. The existing residence is within 100 feet of Mean High Water, and a portion of the proposed residence will be as well.
2. In order to comply with the flood regulations, all living space will be at least one foot above the base flood elevation of 12 feet above sea level. The first floor elevation of the new residence will be at elevation 13.0 or more.
3. The Zoning Board of Appeals approved the proposal with conditions on July 20, 2005 (Calendar No. 55-2005). That approval is hereby incorporated by reference.

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4. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
5. The proposed activities, to be implemented with the conditions and modifications listed below, will have no adverse impact on flooding, and therefore, this proposal is consistent with the need to minimize flood damage.
6. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
7. The potential adverse impacts of the proposed activity, as modified within this resolution, on coastal resources are acceptable.
8. The proposed activities also include filling and regrading a portion of the existing property and managing storm water runoff so that it does not negatively impact the nearby properties.
9. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
10. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #211 and Flood Damage Prevention Application #228, are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction shall be in accordance with the following plans submitted to and reviewed by the Commission:
 - Stone Residence, 5 Tokeneke Trail, Code Complying Septic System Plan (B100a), by Stearns & Wheler, LLC, dated 7/6/05.
 - The Stone Residence, 5 Tokeneke Trail, by Robert A. Cardello Architects, LLC, dated 6/22/05, Drawings SP1.0 and A1.0 through A1.4, and A2.1 and A2.2.
 - Figure 3, Proposed Conditions, Stone Residence, 5 Tokeneke Trail, by Stearns & Wheler, LLC, dated 6/05.
- B. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.

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- C. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- D. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agencies. This includes, but is not limited to, approval from the Darien Health Department for the septic system.
- E. This permit shall be subject to the provisions of Sections 815 and 829f of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (September 5, 2006). This may be extended as per Sections 815 and 829f.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman.

Mr. Damanti read the next agenda item:

Land Filling & Regrading Application #145, Gene Sykes, 14 Cross Road. Proposing to fill, regrade, and construct a retaining wall to facilitate the installation of a stone terrace and level lawn areas; and to perform related site development activities.

Ms. Forman made a motion to adopt the Resolution as written. Mr. Bigelow seconded that motion which was approved by a vote of 3 to 0 with Mr. Spain abstaining as he was not at the July 26, 2005 public hearing on this matter. The adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
September 6, 2005**

Application Number: Land Filling & Regrading Application #145

Street Address: 14 Cross Road
Assessor's Map #65 Lot #3

Name and Address of Property Owner:	Gene Sykes 1827 Westridge Road Los Angeles, CA 90049
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Name and Address of Applicant And Applicant's Representative:	Glenn Ticehurst Benedek & Ticehurst 448H Old Post Road Bedford, NY 10506
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Activity Being Applied For: Proposing to fill, regrade, and construct a retaining wall to facilitate the installation of a stone terrace and level lawn areas; and to perform related site development activities.

Property Location: The subject property is located on the north side of Cross Road at the northwest corner formed by its intersection with Homewood Lane.

Zone: R-1 Zone

Date of Public Hearing: July 26, 2005

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: July 14 & 21, 2005

Newspaper: Darien News-Review

Date of Action: September 6, 2005

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
September 15, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed activities must comply with all provisions of Sections 400, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed activities are described in detail in the application, the submitted plans, and the statements of the applicant's representative whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The proposal is to fill, regrade, and construct a four foot high fieldstone retaining wall to facilitate the installation of a stone terrace and level lawn areas immediately adjacent to the existing residence; and to perform related site development activities. There will be some trees and plantings removed as part of this application. The submitted Grading Plan shows that eight Norway Spruce or Norway Maples at least 14 feet high will be planted in the vicinity of the new stone retaining wall in the rear of the existing house. The applicant proposes to manage stormwater runoff using drywells and a swale along the wall.
2. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.

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3. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Land Filling and Regrading Application #145 is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Filling, regrading, and construction of the retaining wall shall be in accordance with the following plan submitted to and reviewed by the Commission:
- Grading Plan for Mr. & Mrs. Gene Sykes, by Armand Benedek & Glenn Ticehurst, Ltd., scale as noted, dated June 24, 2005, Drawing Number G-1.
 - Grading Plan for Mr. & Mrs. Gene Sykes, by Armand Benedek & Glenn Ticehurst, Ltd., scale 1"=20', dated June 24, 2005, Drawing Number G-2.
- B. Due to the minor nature of the project, the Planning and Zoning Commission will not require a Performance Bond.
- C. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- D. The Commission strongly recommends that the applicant perform a pre and post blast survey of all adjacent structures if the owner determines that blasting will be necessary on the site.
- E. Once the site work and landscaping are completed, written verification prepared by the project designer is hereby required, to certify that the site improvements all in compliance with the approved plans.
- F. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- G. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agencies.
- H. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (September 5, 2006). This may be extended as per Sections 858 and 1009.

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All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon the signing of the final documents. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action, or this approval shall become null and void.

Approval of Minutes

June 28, 2005 Public Hearing/General Meeting

Commission members agreed that there should be a change made to page 5 of the draft minutes. Mr. Bigelow then made a motion to approve the June 28, 2005 meeting minutes with that one change. Ms. Forman seconded that motion, which was approved by a vote of 4 to 0.

July 12, 2005 General Meeting/Public Hearing

Mr. Spain made a motion to approve the minutes as written. That motion was seconded by Mr. Bigelow, and approved by a vote of 4 to 0.

July 19, 2005 General Meeting/Public Hearing

Ms. Forman made a motion to approve the minutes as written. Mr. Spain seconded that motion, which was approved by a vote of 4 to 0.

July 26, 2005 General Meeting/Public Hearing

Mr. Damanti noted that the Commerce Bank minutes of its public hearing are contained within these July 26th minutes. He suggested that since the Commission is deferring its discussion on the Commerce Bank draft Resolution until next week, that the Commission also defer a review and discussion of the meeting minutes until next week. Other Commission members agreed. Mr. Ginsberg will modify the September 13th agenda accordingly.

Any Other Business (requires two-thirds vote of Commission)

Mr. Bigelow made a motion to go into other business to discuss six items. Mr. Spain seconded that motion which was unanimously approved.

Other Business Item 1—letter from Richard Allen, State DOT

Commission member noted that they received in their packets a letter from Richard Allen of State of Connecticut D.O.T. That letter notes that any property owner in town wishing to use part of the D.O.T. right-of-way for outdoor dining will need a license to use the sidewalks and lease them from the state. Commission members briefly discussed whether that license/lease should occur prior to getting any Planning & Zoning Commission approval for outdoor seating or whether that should come afterwards. After some discussion, Commission members agreed that Mr. Ginsberg should advise applicants and property owners that they need to work directly with the State of Connecticut D.O.T. on any necessary lease/license arrangements to use Route One/Boston Post Road sidewalks for outdoor seating.

Other Business Item 2—letter from the Zecchins received by Commission members

Commission members noted that they all got a certified letter from Jordan and Flora Zecchin of Silver Lakes Drive regarding a proposed residence to be constructed by Mr. Procaccini on an

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adjacent property. Mr. Keating said that this is a private dispute and not really a zoning issue. All Commission members agreed, and the Zecchins and Mr. Procaccini should work this out.

Other Business Item 3—letter from Joseph Rucci, dated August 26, 2005

Mr. Damanti told Commission members that he received a letter from Attorney Joseph Rucci of Rucci Burnham Carta Carello & Reilly regarding the Tierney dock at 17 Butler's Island Road. That letter was dated August 26, 2005. Mr. Ginsberg explained that the State of Connecticut DEP noted that the changes in the Tierney dock from the approved plans were *de minimis*. After some discussion, Commission members said that they may be receptive to a modification request which could possibly be in the form of a letter, and not an entire re-application. They were also concerned that the neighbor who had the original concerns about the dock not being built per the plans. That neighbor is represented by Attorney Wilder Gleason. Commission members agreed that they would be willing to hear this item as early as September 13th if necessary, but were hopeful that Mr. Gleason's client no longer had concerns about what the State of Connecticut DEP believed to be a *de minimis* change from the approved plans.

Other Business Item 4—Black, 209 Long Neck Point Road

Mr. Damanti noted that in August he had spoken with Gigi Black of 209 Long Neck Point Road. He reminded Commission members that the Blacks had received an approval to subdivide their property with the requirement that a tennis court be removed within 60 days of the approval. He told Ms. Black that her choice is either to let the approval lapse and keep the tennis court, or to remove the tennis court and file the subdivision mylar in the Darien Land Records.

Other Business Item 5—Proposed Master Plan Change, City of Stamford

Mr. Ginsberg presented to Commission members a letter dated September 2, 2005 from Robert M. Stein, Jr., of the City of Stamford noting that a proposed master plan change had been filed with the Stamford Planning Board. Mr. Ginsberg explained that this location is proposed to be changed from a current gravel pit operation to town house style housing. It is on Camp Avenue adjacent to the Noroton River. He noted that 100 +/- units are proposed to go on this 9.1 acre parcel.

Other Business Item 6—Proposed Upper Pond Dredging

Mr. Ginsberg explained that Richard Windels is trying to dredge the Upper Pond as soon as possible. In fact, he is hopeful to get on the September 27th Planning and Zoning Commission meeting agenda, but has not yet submitted an application to the Planning & Zoning office. Mr. Ginsberg also cautioned that there are 10 items on that agenda already, which could run the meeting until after midnight. Commission members unanimously agreed that Mr. Windels should submit an application as soon as possible if he wishes to expedite the project, and they will schedule it for a public hearing as soon as possible, scheduling allowing.

Discussion of 2005 Town Plan of Conservation & Development.

Review of entire draft document except for Statement of Purpose & Land Use Appendix.

Mr. Ginsberg then distributed a number of modified pages to the Town Plan draft which was distributed to the Commission members in their packets on Friday afternoon. He noted that he is continuing to work on changes as he finds necessary corrections. He then asked how the Commission wants the Vision Statement from the Board of Selectmen to be included in the Plan. After some discussion, Commission members agreed that the Board of Selectmens' Vision Statement should face the Planning & Zoning Commission's "statement of purpose", and be

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separately tabbed. They also agreed that the final version of the entire document should be single sided. Mr. Ginsberg said that he will continue to refine the entire Plan and will present modified pages to Commission members as they are changed. Mr. Spain said that he is hopeful to get any suggested changes to Mr. Ginsberg over the next few weeks. Commission members agreed that they want a final draft to be referred out in late October and to schedule the public hearings on this matter accordingly some time after that.

There being no other business, the meeting was adjourned at 10:10pm.

Respectfully submitted,

Jeremy B. Ginsberg
Planning & Zoning Director

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